

SUPREME COURT OF CALIFORNIA

People v. Smith

37 Cal. 4th 733, 124 P.3d 730, 37 Cal. Rptr. 3d 163 (2005) · No. S123074 · Decided December 29, 2005

SUMMARY

The Supreme Court of California considered whether substantial evidence supported two attempted-murder convictions where the defendant fired a single bullet into a vehicle occupied by a mother and her infant son. The court held that, under the deferential sufficiency-of-the-evidence standard, the circumstances supported an inference that the defendant intended to kill both victims and affirmed the judgment of the Court of Appeal.

CASE DETAILS

COURT	Supreme Court of California
WRITING FOR THE COURT	Baxter, J.; George, C.J.; Kennard, J.; Chin, J.; Boren, J.
JURISDICTION	California
DECIDED	December 29, 2005
DOCKET	S123074
DISPOSITION	affirmed
PROCEDURAL POSTURE	Defendant appealed his convictions, challenging the sufficiency of the evidence supporting the attempted-murder conviction concerning the infant victim. The California Supreme Court granted review after the Court of Appeal rejected the challenge.
STANDARD OF REVIEW	Substantial-evidence review: whether, viewing the entire record in the light most favorable to the prosecution and presuming every fact reasonably deducible in support of the judgment, a rational trier of fact could find the defendant guilty beyond a reasonable doubt.
PRECEDENTIAL VALUE	Published California Supreme Court opinion; precedential.
PARTIES	Jarmaal Laronde Smith v. The People

TOPICS

- criminal procedure
- appellate procedure
- standard of review
- mens rea
- sentencing

PRACTICE AREAS

QUESTIONS PRESENTED

1. Whether substantial evidence supported Smith's conviction for attempting to murder the infant when he fired a single bullet into a vehicle occupied by the infant and the infant's mother.
2. Whether firing a single shot at two victims who were both visible and directly in the shooter's line of fire legally precluded separate attempted-murder convictions.
3. Whether the concurrent-intent or kill-zone theory recognized in *People v. Bland* controlled the sufficiency-of-the-evidence analysis.

HOLDINGS

1. Substantial evidence supported the jury's finding that Smith acted with the specific intent to kill the infant. A rational jury could infer express malice from Smith's purposeful discharge of a lethal firearm at close range while knowing that both the mother and infant were directly in his line of fire.
2. The fact that Smith fired only a single bullet did not, as a matter of law, preclude two attempted-murder convictions.
3. *People v. Bland* did not require the court to analyze this single-shot case under a kill-zone theory, and *Bland* did not preclude the convictions.

KEY QUOTATIONS

"Under the applicable deferential standard of review, we conclude the evidence is sufficient to support the jury's verdict finding defendant acted with intent to kill the baby as well as the mother. The fact that only a single bullet was fired into the vehicle does not, as a matter of law, compel a different conclusion." (37 Cal. 4th at 733)

"The fact that only a single bullet was fired into the vehicle, or that defendant exhibited overt animosity toward the mother but not the baby moments before the shooting, does not, as a matter of law, compel a different result." (37 Cal. 4th at 745)

FACTUAL BACKGROUND

Smith fired a single .38-caliber bullet from approximately one car length behind a vehicle as it pulled away from a curb. The vehicle was driven by Karen A., and her three-month-old son was secured in a rear-facing car seat directly behind her; both were in the shooter's line of fire. The bullet shattered the rear windshield, narrowly missed both victims, passed through the driver's headrest, and lodged in the driver's-side door. Smith denied being the shooter, but the jury rejected his account.

PROCEDURAL HISTORY

A jury convicted Smith of attempted murder of Karen A. and her infant son, shooting at an occupied vehicle, child endangerment, and assault with a firearm. The trial court imposed concurrent 27-year terms for the two attempted-murder convictions and stayed punishment on the remaining counts under Penal Code section 654.

The Court of Appeal held the evidence sufficient to support the infant's attempted-murder conviction, and the California Supreme Court affirmed.

DISPOSITION

affirmed

REMAND INSTRUCTIONS

The judgment of the Court of Appeal was affirmed, with the matter remanded to that court for further proceedings consistent with the opinion.

CASES CITED

- People v. Ochoa, 6 Cal. 4th 1199, 1206 (1993)
- Jackson v. Virginia, 443 U.S. 307, 319 (1979)
- People v. Jones, 51 Cal. 3d 294, 314 (1990)
- People v. Lasko, 23 Cal. 4th 101, 104, 107 (2000)
- People v. Bland, 28 Cal. 4th 313, 317, 327-331 (2002)
- People v. Lee, 31 Cal. 4th 613, 623 (2003)
- People v. Swain, 12 Cal. 4th 593, 604-605 (1996)
- People v. Saille, 54 Cal. 3d 1103, 1114 (1991)
- People v. Davenport, 41 Cal. 3d 247, 262 (1985)
- People v. Velasquez, 26 Cal. 3d 425, 434 (1980)
- People v. Bright, 12 Cal. 4th 652, 665-669 (1996)
- People v. Daly, 8 Cal. App. 4th 47, 59 (1992)
- People v. Lee, 43 Cal. 3d 666, 679 (1987)
- People v. Lashley, 1 Cal. App. 4th 938, 945-946 (1991)
- People v. Chinchilla, 52 Cal. App. 4th 683, 685, 690-691 (1997)
- People v. Villegas, 92 Cal. App. 4th 1217, 1224-1225 (2001)
- People v. Arias, 13 Cal. 4th 92, 162 (1996)
- People v. Thomas, 2 Cal. 4th 489, 516 (1992)
- People v. Chambers, 136 Cal. App. 3d 444, 455 (1982)
- People v. Vang, 87 Cal. App. 4th 554, 563-565 (2001)
- People v. Gaither, 173 Cal. App. 2d 662, 666-667 (1959)